



House of Representatives

General Assembly

File No. 735

February Session, 2008

Substitute House Bill No. 5803

House of Representatives, April 28, 2008

The Committee on Planning and Development reported through REP. FELTMAN of the 6th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE ESTABLISHMENT OF A TRAINING AND CERTIFICATION PROGRAM FOR MUNICIPAL ANIMAL CONTROL OFFICERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2008*) For the purposes of sections
2 2 to 6, inclusive, of this act, "animal control officer" includes a regional
3 animal control officer, assistant regional animal control officer and
4 municipal animal control officer, as defined in section 22-327 of the
5 general statutes, and an assistant municipal animal control officer and
6 "council" means the Police Officer Standards and Training Council
7 established pursuant to section 7-294b of the 2008 supplement to the
8 general statutes.

9 Sec. 2. (NEW) (*Effective July 1, 2008*) (a) The council, in consultation
10 with the Commissioner of Agriculture, shall develop a training
11 program, within available appropriations, for certification of animal
12 control officers. The program shall consist of not less than eighty hours

13 of training including, but not limited to: (1) State and federal law
14 relating to arrest, search and seizure; (2) state law relating to animals;
15 (3) the basics of investigation; (4) report writing and record keeping;
16 (5) shelter or pound standards; (6) disease recognition; (7) euthanasia
17 policy; (8) ethics and professionalism in dealing with the public; (9)
18 cruelty and neglect investigations, including, but not limited to, blood
19 sports and cults; (10) animal bite and vicious animal investigations;
20 (11) officer safety and loss prevention; (12) animal care, identification,
21 behavior, handling and capture and restraint techniques; (13) overview
22 of the legal system, court structure and terminology; (14) warrants; and
23 (15) civil liability issues.

24 (b) The council shall hire one instructor for the purpose of
25 instructing, certifying and retraining animal control officers. The
26 council, in consultation with the Commissioner of Agriculture, shall
27 approve or develop an examination, within available appropriations,
28 designed to test proficiency in the subjects covered by the training
29 program developed pursuant to subsection (a) of this section. The
30 examination may be written, oral, practical or a combination thereof.

31 (c) The council, in consultation with the Commissioner of
32 Agriculture, may approve, reject or revoke approval of any animal
33 control officer training courses, including, but not limited to, courses
34 provided by the National Animal Control Association, the American
35 Humane Association or the Humane Society of the United States for
36 inclusion in the training programs developed pursuant to this section.

37 (d) The council may, from time to time, amend or alter the training
38 programs and the examination the council develops pursuant to this
39 section.

40 Sec. 3. (NEW) (*Effective July 1, 2008*) (a) Except as provided in
41 subsection (e) of this section, each person appointed as an animal
42 control officer on and after July 1, 2008, shall be certified by the council
43 not later than two years after such appointment. Except as provided in
44 subsection (b) of this section, the council shall only certify a person
45 who has satisfactorily completed the training program developed

46 pursuant to section 2 of this act. The provisions of section 7-294d of the
47 general statutes concerning police officer training shall not apply to
48 animal control officers appointed pursuant to section 22-328, 22-331 or
49 22-331a of the general statutes unless the duties of such officer include
50 carrying a firearm or custodial arrest.

51 (b) The council, in consultation with the Commissioner of
52 Agriculture, shall develop a retraining program for persons who have
53 served as animal control officers in the state for a period of five years
54 since July 1, 1997. Except as provided in subsection (e) of this section,
55 such officers shall complete the retraining program and become
56 certified in order to continue to serve as animal control officers. The
57 council shall refuse to certify any officer that fails to complete such
58 training satisfactorily.

59 (c) The council may decline to issue a certificate if (1) the applicant
60 falsified any document in order to obtain or renew the certificate, (2)
61 the applicant has been convicted of a felony, (3) the applicant has been
62 found not guilty of a felony by reason of mental disease or defect
63 pursuant to section 53a-13 of the general statutes, (4) the applicant has
64 been convicted of a violation of subsection (c) of section 21a-279 of the
65 general statutes or section 29-9 of the general statutes, or (5) the
66 applicant has been refused issuance of a certificate or similar
67 authorization or has had a certificate or other similar authorization
68 revoked by another jurisdiction on grounds that would authorize
69 revocation under the provisions of this subsection.

70 (d) The council may revoke any certificate if (1) the certificate was
71 issued by administrative error, (2) the certificate was obtained through
72 misrepresentation or fraud, (3) the holder falsified any document in
73 order to obtain or renew any certificate, (4) the holder has been
74 convicted of a felony, (5) the holder has been found not guilty of a
75 felony by reason of mental disease or defect pursuant to section 53a-13
76 of the general statutes, (6) the holder has been convicted of a violation
77 of subsection (c) of section 21a-279 of the general statutes or section
78 29-9 of the general statutes, or (7) the holder has been refused issuance

79 of a certificate or similar authorization or has had the certificate or
80 other authorization revoked by another jurisdiction on grounds that
81 would authorize revocation under the provisions of this subsection.
82 Whenever the council believes there is a reasonable basis for
83 revocation of the certificate of an animal control officer, the council
84 shall give the holder of the certificate notice and an opportunity for a
85 hearing, in accordance with the provisions of section 4-182 of the
86 general statutes. Any officer whose certification is revoked pursuant to
87 this section may reapply for certification no sooner than two years
88 after the date on which the revocation order becomes final.

89 (e) The provisions of this section shall not apply to an animal control
90 officer appointed in a municipality with a population of less than
91 fifteen thousand.

92 Sec. 4. (NEW) (*Effective July 1, 2008*) (a) If a person who was
93 employed and certified as an animal control officer is not employed in
94 such capacity, such certification shall expire after two years of
95 unemployment, unless such officer has been on a leave of absence.
96 Upon reemployment as an animal control officer, such officer shall
97 apply for certification and become certified in the manner provided in
98 sections 2 and 3 of this act.

99 (b) A municipality may appoint a temporary animal control officer
100 who does not hold a certificate pursuant to sections 1 to 4, inclusive, of
101 this act for a period not to exceed thirty days per calendar year. The
102 council may grant a one time thirty-day extension for such temporary
103 animal control officer. The council may encourage municipalities to
104 share the services of animal control officers in the event a temporary
105 animal control officer is needed by a municipality.

106 Sec. 5. (NEW) (*Effective July 1, 2008*) The Commissioner of
107 Agriculture, in consultation with the Police Officer Standards and
108 Training Council, may adopt regulations, in accordance with the
109 provisions of chapter 54 of the general statutes, to implement the
110 provisions of sections 1 to 4, inclusive, of this act, including, but not
111 limited to, establishing procedures for applying for certification as an

112 animal control officer.

113 Sec. 6. (NEW) (*Effective October 1, 2008*) No municipality shall be
114 liable for compensation to any municipal animal control officer whose
115 certification under section 3 or 4 of this act has been revoked or
116 expired during the period of such revocation or expiration.

117 Sec. 7. (*Effective July 1, 2008*) The sum of eighty thousand dollars is
118 appropriated to the Department of Public Safety, from the General
119 Fund, for the fiscal year ending June 30, 2009, for the Police Officer
120 Standards and Training Council for purposes specified in sections 1 to
121 5, inclusive, of this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2008</i>	New section
Sec. 2	<i>July 1, 2008</i>	New section
Sec. 3	<i>July 1, 2008</i>	New section
Sec. 4	<i>July 1, 2008</i>	New section
Sec. 5	<i>July 1, 2008</i>	New section
Sec. 6	<i>October 1, 2008</i>	New section
Sec. 7	<i>July 1, 2008</i>	New section

PD Joint Favorable Subst.

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$
Public Safety, Dept.	GF - Appropriation	80,000	None
Police Officer Std. & Training Council	GF - Cost	65,000	65,000
Comptroller Misc. Accounts (Fringe Benefits) ¹	GF - Cost	16,500	38,100
Department of Agriculture	GF - Cost	20,000	20,000

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 09 \$	FY 10 \$
Various Municipalities	STATE MANDATE - Cost	Potential Minimal	Potential Minimal

Explanation

The bill would result in a cost of \$101,500 in FY 09 and \$123,100 in FY 10 to the state, including fringe benefit costs. The bill appropriates \$80,000 to the Department of Public Safety (DPS) in FY 09 for the establishment and execution of a training program.²

The bill would require the Police Officers Standards and Training Council (POST) to hire one full-time Training Officer. It is estimated that this would cost \$81,500 in FY 09 (\$65,000 to POST and \$16,500 to

¹ The fringe benefit costs for state employees are budgeted centrally in the Miscellaneous Accounts administered by the Comptroller. The first year fringe benefit costs for new positions do not include pension costs. The estimated first year fringe benefit rate as a percentage of payroll is 25.36%. The state's pension contribution is based upon the prior year's certification by the actuary for the State Employees Retirement System (SERS). The SERS fringe benefit rate is 33.27%, which when combined with the rate for non-pension fringe benefits totals 58.63%.

the Comptroller's fringe benefit account) and \$103,100 in FY 10 (\$65,000 to POST and \$38,100 to the Comptroller's fringe benefit account).

POST currently employs a Curriculum Manager who would develop the initial 80-hour training course and a retraining program in consultation with the Department of Agriculture at no additional cost to the Council. Additionally, the issuance, review, and revocation of training certificates would be performed by POST's Certification Office at no additional cost.

The bill would result in an annual cost to the Department of Agriculture (DOAg) of \$20,000. Included in this amount is \$15,000 for a part-time Secretary I position to perform record-keeping, associated outreach, and preparation of announcements related to the certification of municipal animal control officers. In addition, \$5,000 is included for consultant services for the promulgation of regulations. There are no staff attorneys at DOAg and no in-house expertise in the area of writing animal control regulations.

There are currently 290 municipal animal control officers or individuals in the state. Those hired on or after July 1, 2008 would be required to complete the training course and be certified by POST no later than two years after appointment; those employed in Connecticut for five years since July 1, 1997 would be required to complete the retraining program in order to attain certification. Both the initial training course and retraining program specified in the bill would be provided by POST at no cost to municipalities.

None of the foregoing requirements would apply to an animal control officer appointed in a municipality with a population of less than 15,000.

There is a potential minimal cost to municipalities with populations of greater than 15,000 associated with overtime costs incurred when a

² The bill appropriates funding to DPS, although the cost of the training will be incurred by POST.

municipal animal control officer is attending the 80-hour training course and an alternative animal control officer is needed to temporarily cover that officer's shift.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 5803*****AN ACT CONCERNING THE ESTABLISHMENT OF A TRAINING AND CERTIFICATION PROGRAM FOR MUNICIPAL ANIMAL CONTROL OFFICERS.*****SUMMARY:**

This bill requires animal control officers (ACOs) to be certified if they are appointed by a municipality with a population of 15,000 or more. It requires the Police Officer Standards and Training (POST) Council to develop an ACO certification program within available appropriations and in consultation with the agriculture commissioner. The program must be at least 80 hours and cover specified areas, including search and seizure laws, disease recognition and euthanasia policy, animal care and restraint techniques, and civil liability issues.

The bill sets certification criteria and allows POST to revoke certificates on specified grounds. Under the bill, municipalities are not liable for compensation to any ACO who works while his or her certificate is revoked or expired.

The bill appropriates \$80,000 to the Department of Public Safety (DPS) from the General Fund in FY 09 for POST to implement the training and certification program, including hiring one instructor to instruct, certify, and retrain ACOs. (POST is administratively within DPS.)

The agriculture commissioner, in consultation with POST, may adopt implementing regulations, which may include procedures for applying for certification.

EFFECTIVE DATE: July 1, 2008, except for the provision on municipal liability, which takes effect October 1, 2008.

ACO CERTIFICATION

ACOs appointed on and after July 1, 2008 in a municipality with a population of 15,000 or more must be certified by POST not later than two years after appointment. Except for ACOs employed since 1997 (see below), POST may certify only people who satisfactorily complete the training program that the bill requires POST to develop. The bill specifies that existing training requirements for police officers do not apply to ACOs, unless their duties include carrying a firearm or making custodial arrests.

POST, in consultation with the agriculture commissioner, must develop a retraining program for ACOs employed in any municipality with a population of 15,000 or more for five years since July 1, 1997 (but the bill sets no deadline for developing the program). Such officers must complete the program and be certified in order to continue to serve as ACOs. The council cannot certify any officer who fails to complete the training satisfactorily.

ACO TRAINING PROGRAM

The bill requires POST to develop an ACO training program of at least 80 hours for regional, assistant regional, municipal, and assistant municipal officers. The program must include training in:

1. state and federal arrest, search, and seizure laws;
2. state law relating to animals;
3. investigation basics;
4. report writing and record keeping;
5. shelter or pound standards;
6. disease recognition;
7. euthanasia policy;
8. ethics and professionalism in dealing with the public;

9. cruelty and neglect investigations, including blood sports and cults;
10. animal bite and vicious animal investigations;
11. officer safety and loss prevention;
12. animal care, identification, behavior, handling and capture, and restraint techniques;
13. overview of the legal system, court structure, and terminology;
14. warrants; and
15. civil liability issues.

POST must hire one person to instruct, certify, and retrain ACOs. In consultation with the agriculture commissioner and within available appropriations, it must approve or develop an examination to test proficiency in the subjects the training program covers. The examination may be written, oral, practical, or a combination thereof.

POST, in consultation with the agriculture commissioner, may approve, reject, or revoke the approval of any ACO training course, including courses provided by the National Animal Control Association, the American Humane Association, or the U.S. Humane Society for inclusion in the training programs developed under the bill.

The council may, from time to time, amend or alter the training programs and examination it develops.

CERTIFICATION CRITERIA REVOCATION AND DENIAL

POST may revoke a certificate issued by administrative error or obtained through misrepresentation or fraud. It may also revoke or decline to issue a certificate to an applicant:

1. who falsified a document to get or renew it;
2. who has been convicted of a felony;

3. who was found not guilty of a felony by reason of mental disease or defect;
4. convicted of (a) a first offense involving possession of controlled or hallucinogenic substances (other than a narcotic substance or marijuana) or less than four ounces of a cannabis-type substance, (b) taking or offering a bribe (though this latter provision appears to address bribe-taking and offering by police officers); or
5. who was denied a certificate or similar authorization or had one revoked by another jurisdiction on grounds that would authorize revocation under the bill.

If POST believes a reasonable basis exists to revoke a certificate, it must give the certificate holder notice and a hearing opportunity. An ACO whose certificate is revoked has to wait at least two years before applying for recertification.

If a certified ACO is not employed as such for two years, excluding leaves of absence, the certificate expires. Upon reemployment as an ACO, the officer must apply for certification and be recertified.

A municipality may appoint a temporary, uncertified ACO for up to 30 days per calendar year. POST may grant a one-time 30-day extension in such cases. It may encourage municipalities to share ACO services if a municipality needs a temporary officer.

Under the bill, a municipality is not liable for compensating any municipal ACO during any time his certificate is revoked or expired.

BACKGROUND

Legislative History

The House referred the bill (File 403) to the Planning and Development Committee, which reported a substitute bill limiting the certification requirement to ACOs appointed in municipalities with 15,000 people or more.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Change of Reference

Yea 19 Nay 3 (03/06/2008)

Environment Committee

Joint Favorable

Yea 22 Nay 8 (03/14/2008)

Planning and Development Committee

Joint Favorable Substitute

Yea 15 Nay 0 (04/14/2008)